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# UNITED STATES OF AMERICA Before the SECURITIES AND EXCHANGE COMMISSION

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ADMINISTRATIVE PROCEEDING File No. 3-16649

In the Matter of:

Ironridge Global Partners, LLC, Ironridge Global IV, Ltd.

Respondents.

RESPONDENTS IRONRIDGE GLOBAL PARTNERS, LLC's, AND IRONRIDGE GLOBAL IV, LTD.'s, SECOND REQUEST FOR ISSUANCE OF A SUBPOENA DUCES TECUM

Pursuant to Rule 232 of the Commission's Rules of Practice, Stephen E. Hudson, Hillary D. Rightler, and Josh C. Hess, as counsel for Respondents Ironridge Global Partners, LLC, and Ironridge Global IV, Ltd., request issuance of a Subpoena *Duces Tecum* to U.S. Securities and Exchange Commission, Custodian of Records, 100 F Street, NE, Washington, DC 20549 (the "Commission"), requiring the production of documentary or other tangible evidence returnable at a designated time or place.

In relation thereto, Respondents state as follows:

- 1. The documents possessed by the Commission are material and relevant to the subject matter of this proceeding.
- 2. Respondents believe that, to the extent such documents exist, the Commission has custody, possession and control of documents and testimony related to the subject matter of this action and it is necessary that a subpoena issue to the Commission.
- 3. Pursuant to Section 556 of the Administrative Procedures Act, as amended (5 U.S.C. § 556), and Rules 111 and 232 of the Rules of Practice of the United States Securities and Exchange Commission (17 C.F.R. §§ 201.111, 201.232), a subpoena may issue to a witness to appear, to produce certain documents and to give testimony in these proceedings.

- 4. The issuance of a subpoena to the Commission is not unreasonable, oppressive, excessive in scope, or unduly burdensome.
- 5. A copy of the proposed Subpoena *Duces Tecum* to the Commission is attached hereto showing that the limited requests are reasonable in scope.

Dated: September 21, 2015.

KILPATRICK TOWNSEND & STOCKTON LLP

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Counsel for Respondents

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SUBPOENA DUCES TECUM

TO PRODUCE DOCUMENTS

ADMINISTRATIVE PROCEEDING File No. 3-16649

In the Matter of:

Ironridge Global Partners, LLC, Ironridge Global IV, Ltd.

Respondents.

To: U.S. Securities and Exchange Commission

Custodian of Records 100 F Street, NE Washington, DC 20549

TAKE NOTICE: By authority of Section 556 of the Administrative Procedures Act, as amended (5 U.S.C. § 556), and Rules 111 and 232 of the Rules of Practice of the United States Securities and Exchange Commission (17 C.F.R. §§ 201.111, 201.232), and upon an application for subpoena made by Respondents Ironridge Global Partners, LLC, and Ironridge Global IV, Ltd.;

YOU ARE HEREBY ORDERED to produce the documents, electronically stored information, or objects described below, and permit their inspection and copying. Documents must be produced to Kilpatrick Townsend & Stockton LLP, 1100 Peachtree Street, Suite 2800, Atlanta, Georgia, 30309, on or before August 19, 2015. The U.S. Securities and Exchange Commission's Rules of Practice require that any application to quash or modify a subpoena comply with Commission Rule of Practice 232(e)(1) (17 C.F.R. § 201.232(e)(1)).

#### **DEFINITIONS AND INSTRUCTIONS**

1. You are instructed to produce documents and/or electronically stored information evidencing, commemorating, reflecting and/or relating to the following list.

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- 2. The term "Commission" refers to the U.S. Securities and Exchange Commission and includes (a) all of its affiliates, subdivisions, joint ventures, joint venture partners, successor and predecessor entities, subsidiaries, parents, and assigns; (b) all of its present and former officers, directors, agents, employees, representatives, investigators and attorneys; and (c) any other person acting or purporting to act on its behalf.
- 3. "Document" is defined to be synonymous in meaning and equal in scope to the usage of this term in Federal Rule of Civil Procedure 34(a), including, without limitation, writings, drawings, graphs, charts, photographs, sound records, images, electronic or computerized data compilations and other electronically stored information, and any versions, drafts or revisions of any of the above. Any document which contains any comment, notation, addition, insertion or marking of any kind which is not part of another document which does not contain a comment, notation, addition, insertion or marking of any kind which is part of another document, is to be considered a separate document.
- 4. "Electronically stored information" means all information that is created, manipulated, or stored in electronic form regardless of the medium. Electronically stored information also includes any deleted data that once existed as live data but has been erased or deleted from the electronic medium on which it resided. Even after deleted data itself has been overwritten or wiped, information relating to the deleted data may still remain.
- 5. A document or thing is deemed to be in your control if you have the right to secure the document or thing or a copy thereof from another person or entity having actual possession of the document or thing. If any document or thing responsive to this request was, at one time, but is no longer, within your possession or control, state what disposition was made of

the document or thing, by whom, the approximate date of the disposition, and the reason for the disposition.

- 6. If any request for documents is deemed to call for the production of privileged or work product materials and such privilege or work product is asserted, provide the following information with respect to each withheld document:
  - (a) the privilege(s) and/or work product protection asserted;
  - (b) the date on which the document was created or finalized;
  - (c) the names of the document's author, authors or preparers;
  - (d) the name of each person to whom the document was sent, carbon copied or blind carbon copied;
  - (e) the subject matter of the document or responses, and in the case of any document relating or referring to a meeting or conversation, identification of such meeting or conversation.

#### DOCUMENTS TO BE PRODUCED

- 1. Produce all portions of notes and summaries from interviews of witness conducted during the investigation of Respondents to the extent those portions relate to the facts and circumstances of this case, the portions do not reflect attorney-opinion work product, and the notes or summaries are not about examinations for which the Division has produced transcripts.
- 2. Documents sufficient to identify all enforcement actions (whether or not in an administrative proceeding) brought by the Commission, other than this proceeding, in which the Commission chose to bring a claim for a violation of Section 15(a) of the Securities Exchange Act of 1934 without also bringing a claim for either securities fraud or violation of Section 5(a) of the Securities Act.
- 3. Documents sufficient to identify all enforcement actions (whether or not in an administrative proceeding) brought by the Commission, other than this proceeding, in which the

Commission has alleged that an entity or person violated Section 15(a) of the Securities Exchange Act of 1934 in connection with transactions in securities exempted from registration under Section 3(a)(10) of the Securities Act of 1933.

4. All documents and communications that support, or reflect or are related to the allegations made by Lillian McEwen, a former SEC administrative law judge, as reported by the Wall Street Journal on May 6, 2015, that chief administrative law judge Brenda Murray "questioned [her] loyalty to the SEC" as a result of finding too often in favor of defendants and that SEC administrative law judges are expected to work on the assumption that "the burden was on the people who were accused to show that they didn't do what the agency said they did."

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Dated this \_\_\_\_\_ day of \_\_\_\_\_\_, 2015.

The Honorable James E. Grimes Administrative Law Judge

### CERTIFICATE OF SERVICE

I hereby certify that on September 21, 2015, I filed an original and three copies of the foregoing with the Office of the Secretary, Securities and Exchange Commission, Attn:

Secretary of Commission Brent J. Fields, 100 F Street NE, Mail Stop 1090, Washington, DC 20549, by Federal Express overnight delivery and filed a copy by facsimile transmission to (202) 772-9324, and served a true and correct copy upon counsel of record and the Administrative Law Judge by electronic mail, as follows:

Mr. Robert Gordon: GordonR@sec.gov Securities and Exchange Commission Atlanta Regional Office

The Honorable James E. Grimes: alj@sec.gov

Administrative Law Judge

William Miller: millerwi@sec.gov Securities and Exchange Commission

Josh C. Hess

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